

## Industry Reference Forum Communique'

The ninth meeting of this forum was held at the National Heavy Vehicle Regulator (NHVR) office, Gasworks in Newstead, in Brisbane on 5 October 2016.

Due to the nature of the discussion around the COP this IRF was conducted as a workshop

The Industry Reference Forum (IRF) is a key reference group for the NHVR. It comprises high level representatives from peak bodies across the heavy vehicle industry, the CEO and senior members of the NHVR.

This workshop was attended by senior staff of the NHVR and representatives from peak bodies including Australian Trucking Association (ATA), National Road Transporters Association (NatRoad), Heavy Vehicle Industry Association (HVIA), Queensland Trucking Association (QTA), Victorian Transport Association (VTA), South Australian Road Transport Association (SARTA), Australian Logistics Council (ALC), DGLogistics, the Agricultural Industry Operator Group (IOG), the OSOM IOG, the Livestock IOG and the Crane IOG chairs.

Apologies noted for the record include Bus Industry Confederation (BIC), New South Wales Farmers Federation (NFF), Australian Local Government Association (ALGA), Freight NSW; and the Commonwealth representative.

Nil recorded declarations of conflict of interest.

The Chair, CEO NHVR officially opened the forum, welcoming members with introductions made around the table. This followed an overview of the purpose of the meeting; which was focused on structured discussions considering a number of issues with regard to the draft guidelines for Industry Codes of Practice and finalising the draft guidelines for publication.

The Chair thanked all members and associations for providing feedback through the process and as an outcome wanted all members to agree on a publication date for the draft guidelines.

### Codes of Practice Guidelines

#### 1. NHVR briefing - changes made to V1 of guidelines

- CEO NHVR noted the consultation summary overview table prepared and handed to members and passed to Executive Director (Regulatory Compliance) NHVR to go through changes made to Version 1 of the guidelines.
  - Executive Director (Regulatory Compliance) NHVRAS and other schemes are a means of demonstrating compliance with a code. There is no legal head of power to grant concessions through codes.
    - CEO NHVR reminded members no incentives are in the guidelines, except to say should a master code be developed where options for incentives/concessions are posed, the NHVR may potentially look at considering a case for them. Even if codes are adopted, the NHVR have no visibility of who adopts the codes.
    - CEO NHVR reminded members this is a co-regulatory approach and mandate for the NHVR to develop guidelines for industry that are voluntary for industry to adopt. Inclusion of this explanation was requested in the update to the draft guidelines.
  - Industry (ALC) indicated that they are happy to adopt and publish the guidelines.
  - Industry (ATA) advised the ATA feedback (referred to and handed out at the meeting) was the shared view of the ATA and its member associations.
  - Industry (NatRoad) advised they provided feedback which was reflected in the summary table and that NatRoad had not seen ATA's feedback.
  - Industry (QTA) agreed with ATA's submission.

- CEO NHVR asked for any final comments on the changes made to Version 1 of the guidelines. All members were happy to move on to the next agenda item noting any new comments as discussed would be considered and incorporated as appropriate and shared again with members.

## **2. NHVR briefing - Version 2 of guidelines**

- CEO NHVR opened the agenda item noting the consultation summary overview table prepared and handed to members and passed to Executive Director (Regulatory Compliance) NHVR to go through changes made to Version 2 of the guidelines.
- Executive Director (Regulatory Compliance) NHVR reiterated the purpose of the guidelines is to develop codes that improve safety and compliance with the HVNL.
- Executive Director (Regulatory Compliance) NHVR indicated that the NHVR has and will continue to consult with WH&S, noting they support our approach and stating that the approach was consistent but not fully interoperable as they are two different pieces of legislation.
  - Industry (SARTA) asked clarity around what is accepted as 'best practice' and can an existing code be replaced because another is deemed as better?
    - Executive Director (Regulatory Compliance) NHVR clarified for industry that codes would be identified for a particular sector and code developer would identify broad categories of risk and broad range treatments; the adopter would adopt the code and apply it by identifying their own specific risks; develop specific treatments for implementation, demonstrate treatment of risks; and then regularly review effectiveness. Where the development of a code is proposed; the first step would be notification of the intention to develop a code to the NHVR.
    - Industry (Agforce Qld) saw the benefit in this for the agricultural industry and that Justin Crosby-NSW Farmers Federation and Executive Director (Regulatory Compliance) NHVR were going to talk further off-line about the topic as a result of discussion from the last Agricultural IOG.
  - Industry (VTA) shared its view on the guidelines showing support; and that it will encourage industry to raise standards and make industry more accountable.
  - Industry (ATA) raised the Intellectual Property (IP) issue and license and user terms suggesting that NHVR and ATA lawyers discuss the issue further which was agreed.
  - Industry (ATA) raised the concept of master codes.
    - NHVR will consider amending Part A to indicate that industry could consider developing a master code.
  - Industry (ATA) raised the legal defense reference and suggested it should be removed and should quote the registration.
    - CEO NHVR noted and will consider in the next version of the guidelines.
  - Industry (ATA) raised liability of code developers, seeking amendment to s 706(7) to extend immunity to developers.
    - NHVR advised this can be done through the maintenance process and will discuss with NTC.
  - Industry (ATA) raised the transparency of fees.
    - CEO NHVR commented the NHVR is working in this area and agreed the NHVR will provide an estimate of the price range before any fees are charged.

## **3. Structured discussion about further amendments to guidelines**

- Further amendments to guidelines were summarised and agreed to as per discussions in the above briefing items.

### **Open discussion**

CEO NHVR raised the release date of the guidelines opening the options up being 1 December 2016 or 1 January 2017. Discussion between members resulted in the majority agreement that the NHVR release the guidelines on 1 January 2017 or the first working day in January 2017. Noting to enable this to happen, the NHVR will distribute revised draft to industry by 1 November 2016 for industry to respond back to NHVR.

### **Other Business**

CEO NHVR advised that the IRF Secretariat will advise later in the year the meeting dates for 2017.

CEO NHVR advised the Terms of Reference for the IRF will be finalised and distributed in the coming months.

CEO NHVR advised membership is being reviewed and that ANZPAA have been invited.

Industry (SARTA) supported the idea and suggested it would be ideal that an operational representative from ANZPAA was invited. CEO NHVR noted the suggestion.

New agenda items were raised for the next meeting, they included:

- (ALRTA) Competitive Neutrality; and the future of the NHVAS
- (CEO NHVR) suggested the IRF agenda be framed to address the next series of actions the NHVR and industry agrees on; with focus of issues taken from the NHVR Strategic Directions document.

CEO NHVR thanked members for attending and for contributing to a productive discussion.

### **Next Meeting**

The next [IRF](#) meeting will be scheduled for early 2017 (approximately February, to be confirmed).

The agenda for the first meeting in 2017 is yet to be confirmed.